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# THE INTERNATIONAL POSITION OF THE POPE

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AMONG the rulers of the earth, the Pope occupies a peculiar position, which is as unique in the realm of international law as the Papacy itself in the realm of religion. In the eyes of international law, the Holy See is not a sovereign state; for the very definition of a state implies the possession of territory, and when the Popes were deprived of the temporal sovereignty which they had for centuries exercised over a part of Italy, the Holy See ceased to be a member of the family of nations. The Pope is no longer head of a temporal state, but he is still Sovereign Pontiff, he is still head of that great Church which commands the loyalty of two-fifths of Christendom.

The position of head of the Church, as Monsieur Bonfils says in his book on International Law, is not a local dignity. It is not Italian; it is universal. It has an essentially international character. Infallible legislator in matters of dogma and morals, supreme regulator of ecclesiastical discipline, chief of the hosts of the Church, the Pope, by the very force of circumstances, frequently intervenes in the internal affairs of a number of states. But those nations of which the population is partly or wholly Catholic cannot allow the Pope to be the subject of any ruler. The Pope should be free and emancipated from subjection to any Government whatever. The Sovereign Pontiff cannot be the subject of any state.

Consequently, although the Popes have been deprived of their Papal States, although by loss of territory the Supreme Pontiff has ceased to be a reigning sovereign of a temporal state, yet, by the general consent of the Powers, he is treated as a sovereign. He has the right to send and to receive diplomatic representa-

tives, and, moreover, at certain courts the Apostolic Nuncio has precedence over other ambassadors.

It is not only the so-called Catholic countries which maintain diplomatic relations with the Vatican. Even the Tzar of Russia, the official head of the Russian Church, has found it convenient to have a diplomatic representative at the Papal Court; and stout Protestant dynasties, like those of Holland and of Prussia, have seen the advantage of maintaining diplomatic relations with the Head of that Church which numbers so many of their subjects in its communion.

England does not maintain an embassy at the Vatican, but on special occasions she has sent missions to the Pope, as at the time of the late Pontiff's Jubilee, when the Duke of Norfolk conveyed to His Holiness the good wishes of Queen Victoria.

The United States maintained a legation at the Papal Court up to the time of the loss of the Papal States. Since that period, regular diplomatic relations have ceased between the Vatican and Washington, although recently it was found necessary to send a special mission to consult with the Pope in regard to affairs in the Philippines.

A number of the South-American republics also have ministers accredited to the Pope. The Argentine is represented there by the distinguished jurist, Dr. Carlos Calvo. The Brazilian Minister was, until very recently, Dr. J. A. Ferreira da Costa, the talented diplomatist whose agreeable personality made such a pleasant impression in this country while he was in the Brazilian Legation at Washington.

The attitude of Italy toward the Holy See is indicated by the Italian Law of May 13th, 1871. That law does not acknowledge in the Pope the quality of sovereignty, but it offers him guarantees of inviolability and the honors due a sovereign.

"The person of the Sovereign Pontiff," according to this law, "is sacred and inviolable. The Italian Government, within the territory of the kingdom, will render sovereign honors to the Sovereign Pontiff, and will uphold the pre-eminence of honor which is accorded him by Catholic Sovereigns."

Other articles of the law give assurances of the respect and immunity to be enjoyed by the diplomatic representatives accredited to the Vatican, and by the representatives of the Holy See, while on Italian territory.

Article XII. declares that the Pope may correspond freely with the episcopate, and with the entire Catholic world, without interference from the Italian Government, and that facilities shall be given for the establishment at the Vatican of special post and telegraph offices managed by Papal authority.

This law of May 13th, 1871, known as the "law of guarantees," is simply a declaration by the Italian Government of its attitude in regard to the Holy See. The Powers, fearing to burn their fingers, refused to take any part in regulating the relations of the Vatican and Quirinal, and, as for the Popes, they have steadfastly ignored both the "law of guarantees" and the annual pension of half a million dollars offered by the Italian Government.

The Vatican does not officially recognize the Quirinal, although it is sometimes necessary to hold unofficial negotiations.

The Pope, although deprived of his temporal possessions, still receives royal honors, sends and receives ambassadors, treats with temporal sovereigns on equal terms, and is one of the great factors in the world's politics. It may even be said that his authority has been purified and increased since he has ceased to be a petty prince of Italy.

The power and authority of the Pope has never been commensurate with the temporal possessions of the Holy See. As Leo the Great said, nearly fifteen centuries ago: "To Rome, exalted by the preaching of the Chief of the Apostles, there has been appointed a spiritual dominion wider than her earthly sway."

The Pope claimed authority over the world, not on account of his small lands in Italy, but in his character as Vicar of Christ. As in man the spirit rules the flesh, so in the world the spiritual power claimed authority over the fleshly or temporal power. Long was the struggle for supremacy between the Emperors of the Holy Roman Empire and the Pontiffs of the Holy Roman Church. The Emperor claimed to be the Vicar of God in temporal matters. The Pope claimed to be the Vicar of Christ in spiritual affairs. Both were raised high above all other monarchs. But which should be supreme—the temporal or the spiritual?

The writers of the Middle Ages saw in the two swords, spoken of by Saint Luke, the symbol of the Empire and the Holy See. The disciples said unto Christ, "Lord, behold here are two swords"; and he said unto them, "It is enough." The Lord had given the two swords for the protection of Christendom. The

spiritual sword was confided to the Pope, the temporal sword to the Emperor. The Popes claimed that both these swords belong to the Pope; one he wields in person, the other he intrusts to Emperors and Kings—but always for the defence of the Church and under the direction of the Pontiff.

Moreover, it was at the hands of the Pope that the Emperor received his imperial crown and investiture. The Emperor was but the Pope's delegate. The Empire, the highest expression of earthly power, was dependent upon the Holy See. The Pontiff was the dispenser of crowns to monarchs, the Lord Paramount to whom all the rulers of the earth owed homage and obedience.

The Popes claimed the right to crown monarchs and to depose them. They claimed the power to absolve vassals from the oath of allegiance to their king. Naturally, the Emperor was disposed to protest against this assumption of superiority; but some of the smaller temporal princes found the pretensions of the Pope a valuable weapon to use against their temporal suzerain, the Emperor.

The struggle for supremacy between the temporal power and the spiritual power went on with varying fortune. William the Conqueror refused to do homage to Gregory for the newly-conquered England, yet some of his successors on the English throne paid tribute to Rome and acknowledged the supremacy of the Pope.

There is a scene in the courtyard of Matilda's castle where a penitent Emperor stood, barefooted and woollen-frocked, on the snow for three days and three nights imploring the pardon of the Pope; and there is another scene where we see the same proud Pontiff ending his days in misery and exile, cast down by the hand of the Emperor.

Frederick Barbarossa struggled against the Papal claims to supremacy, and refused to hold the Pontiff's stirrup as the Emperor Lothar had done. The struggle was long and bitter; yet when Pope and Emperor met in Venice, at the suggestion of the Doge, the great Frederick knelt in sudden awe before the Vicar of Christ, and the Pope raised him up and kissed him with the kiss of peace. Three slabs of red marble in the porch of Saint Mark's show the spot where the temporal power thus abandoned the contest, though it were but for a season; and in the ducal palace there used to hang a picture of the scene, but the painter

had added to the facts of history and had represented the Pontiff as placing his foot upon the neck of the prostrate Emperor, saying: "The young lion and the dragon shalt thou trample under foot."

From the time of Gregory VII., the Popes began to take first rank. The age was intensely religious, and readily accepted the idea that the spiritual power should rank above the temporal power. The opinion grew that the Pope was the first sovereign in Christendom, to whom all other sovereigns owed homage. Even champions of the Imperial power, like Dante, admitted that "the Emperor, sovereign in the secular domain, depends in certain points upon the Pope; for terrestrial welfare is of an order lower than celestial welfare, and Cæsar should, therefore, show to Peter the respect which the first-born should show to his father."

The Emperors themselves did not dare to assume the Imperial crown except at the hands of a Pope, even if they had to set up a Pope specially for the purpose.

The power of the Pope rested not on armed hosts nor on wide lands, but on divine right and on authority over men's souls. Whether we believe in the logic of the Pontifical claims or not, there can be no doubt of the immense power of the Popes and the exalted position which they attained with regard to other sovereigns. They dispensed crowns to monarchs, they arbitrated disputes, they put down one and raised up another, they apportioned territory to kings. It was by the Bull of Alexander VI. that nearly all the newly discovered Western Hemisphere was divided between the crowns of Spain and Portugal. To this day, Kings still proudly bear titles which were conferred by the Popes, and which indicate the subordination of the secular power to the spiritual authority of the Holy See. The King of Spain is still "His Catholic Majesty," the King of Portugal is "His Most Faithful Majesty," the Emperor of Austria is "His Apostolic Majesty." "His Most Christian Majesty" of France and "His Orthodox Majesty" of Poland have ceased to be, but the King of England still claims to be the "Defender of the Faith."

While bestowing these titles upon others as a mark of the favor of the Church, the Pope reserved for himself a modest yet proud qualification, "*Servus Servorum Dei*," "Servant of the Servants of God."

The power of the Holy See over men's souls has been more durable than its power over their bodies. At the present day, the Pope no longer claims the right to direct the temporal affairs of the world. He no longer claims to be Lord Paramount of the kings of the earth in temporal matters. He no longer pretends to depose princes nor to absolve subjects from their allegiance, but he is still one of the most powerful political personages in the world. His loss of territory has necessarily entailed certain changes. He cannot make war, for obvious reasons. Even if he should attempt to make war with his small band of faithful soldiers, it is doubtful whether the Powers would regard it as a legal war. He does not enter into treaties as between state and state, but he concludes with Governments agreements which are known as Concordats. He was also debarred from taking part in the Tzar's Peace Conference, on account of the fact that the Holy See is not a temporal state. The loss of the temporal possessions has in some ways, however, added to the dignity and authority of the Pope. His power, relieved from temporal localization, has increased throughout Christendom. His influence touches all countries. For an illustration, one has but to look at Spain, where for years Carlist agitation has been kept down and the dynasty of Alphonso has been upheld, largely through the influence of the late Pontiff.

As Monsieur Rivier remarks in his great work on International Law: "If the successor of Gregory and of Innocent is not to-day the monarch of monarchs, the dispenser of crowns, the distributor of continents and oceans, he still personifies the greatest moral force of the world."

JAMES GUSTAVUS WHITELEY.